

U.S. DEPARTMENT OF TRANSPORTATION
Charter of the
National Freight Advisory Committee

- 1. COMMITTEE'S OFFICIAL DESIGNATION:** National Freight Advisory Committee (NFAC).
- 2. AUTHORITY:** The NFAC is established under the authority of the U.S. Department of Transportation, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2. The Secretary of Transportation (the Secretary) has determined that establishment of the committee is in the public interest.
- 3. OBJECTIVES AND SCOPE OF ACTIVITIES:** The objective of this committee is to provide information, advice, and recommendations to the U.S. Secretary of Transportation on matters relating to freight transportation in the United States and the implementation of the freight provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112-141.

It is the policy of the U.S. Department of Transportation to improve the condition and performance of an integrated national freight transportation system that is safe, economically efficient, and environmentally sustainable, and that provides a foundation for the United States to compete in a global economy. The NFAC shall undertake information-gathering activities, develop technical advice, and present recommendations to the Secretary to further inform this policy, including but not limited to the following:

- Development of a National Freight Strategic Plan;
- Establishment of the National Freight Network;
- Strategies to help States implement State Freight Advisory Committees and State Freight Plans;
- Development of measures of condition, safety, and performance for freight transportation;
- Development of freight transportation investment, data, and planning tools;
- Other issues relating to the implementation of freight-related requirements of MAP-21; and
- Other issues of freight transportation policy and programs, including legislative recommendations.

The Secretary will use this advice, information, and recommendations in interagency discussions in the establishment of a national freight policy. The Secretary may accept or reject a recommendation made by the NFAC and is not bound to pursue any recommendation from the NFAC. In the exercise of his or her discretion, the Secretary, or his or her designee, may withdraw a task being considered by the NFAC at any time.

The committee will not exercise program management responsibilities; decisions directly affecting implementation of freight policy will remain with the Secretary. The committee

shall act as a liaison among the stakeholders represented by the membership and shall provide a forum for those stakeholders on current and emerging issues in freight transportation.

- 4. DESCRIPTION OF DUTIES:** The functions of the committee shall be advisory only, and any determinations to be made or action to be taken on the basis of committee recommendations shall be made or taken by appropriate officers of the United States Government.
- 5. AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS:** The Committee shall report to the Secretary of Transportation.
- 6. SUPPORT:** The Office of the Under Secretary of Transportation for Policy shall provide on a non-reimbursable basis administrative and staff support to the Committee.
- 7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:** It is estimated that the annual operating costs (including the pro rata share of salaries of U.S. Department of Transportation employees) is \$350,000. Approximately 1.5 person-years annually will be required to support the Committee.
- 8. DESIGNATED FEDERAL OFFICER:** The Secretary of Transportation shall designate an agency representative to serve as the Designated Federal Officer (DFO) for the NFAC. The Designated Federal Officer shall do the following:
 - Call meetings of the Committee after consultation with the Chair and determine where they are to be held;
 - Formulate and approve an agenda, in consultation with the Chair, for each meeting;
 - Notify all Committee members of the time, place, and agenda for any meeting;
 - Provide administrative support for all meetings of the Committee;
 - Attend each Committee meeting;
 - Maintain all NFAC files and records; and
 - Adjourn any meeting when it is determined to be in the public interest and chair meetings when directed to do so by the Secretary.
- 9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Committee will meet at least three times per year. Additional meetings may be called as deemed desirable by the DFO and the Chair.
- 10. DURATION:** Continuing, subject to renewal every 2 years.
- 11. TERMINATION:** This charter shall terminate 2 years after its effective date unless renewed in accordance with section 14 of FACA and other applicable requirements.
- 12. MEMBERSHIP AND DESIGNATION:** The Committee will comprise a maximum 50 voting members deemed to reflect various perspectives on freight transportation, including modes of transportation, regional representation, relevant policy areas, freight customers and providers, and government bodies. The Secretary of Transportation will

seek a membership that is fairly balanced in terms of points of view of the affected interests.

In addition, the Deputy Secretary and the Under Secretary of Transportation for Policy of the U.S. Department of Transportation, Secretary of Commerce, Assistant Secretary of the Army (Civil Works), Commissioner of U.S. Customs and Border Protection, Administrator of the Environmental Protection Agency (EPA), and the Chairman of the Surface Transportation Board (or their respective designees) will serve on the committee as ex officio, non-voting members.

Members of the NFAC may be selected to serve either as Representative members or as members appointed solely for their expertise. The latter will serve as Special Government Employees. The NFAC members will serve 2-year terms, with no more than two consecutive term reappointments. All members serve at the pleasure of the Secretary. Members shall continue to serve until their replacement has been appointed. Completion of terms beyond 2 years is contingent upon the renewal of the Committee's charter.

The Chair and Vice Chair of the committee will be appointed by the Under Secretary of Transportation for Policy from among the selected members. Their term of service will not exceed the duration of this charter and they may be reselected for additional periods should the charter be renewed and should they remain on the committee.

13. SUBCOMMITTEES: The U.S. Department of Transportation may create subcommittees or work groups. All subcommittees and work groups shall report all of their recommendations and advice to the full NFAC for deliberation and discussion.

14. RECORDKEEPING: The records of the Committee shall be handled in accordance with General Records Schedule 26, Item 2, and other approved agency records disposition schedule. The records shall be available for public inspection and copying, subject to the Freedom of Information Act, as amended, 5 U.S.C. § 552, as well as section 10(b) of FACA.

The records, reports, transcripts, minutes, and other documents that are made available to, or prepared for or by, NFAC will be available to the public via the U.S. Department of Transportation's Web site.

15. FILING DATE: The filing date of this charter is May 28, 2013. If not renewed, this charter will expire on May 28, 2015.